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###Z#####"###The New##Procurement Integrity Act

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#S#ÿ #ÿ#ÿ#ÿ#ÿ #ÿd#####Z#####t##Mark Stone, Maj, USAFAMC Law
Office, Wright-Patterson AFB, OHDSN 785-5700 (937-255-5700), ext. 31414 March
1997

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#f#ÿy###ÿy###ÿd#####Z#####D###Provisions deleted from the prior
Act Bans on obtaining & disclosing informationRequirement to report employment
contactsThe 1-year ban on accepting compensation from the contractor
Miscellaneous rules

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New#Procurement Integrity Act (PIA)

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ý& ##yy###yy###yy#yyd#####Z#####Congress recently rewrote the
PIA -- the new version went into effect on 1 Jan 97The prior PIA was
implemented by FAR 3.104 -- the new PIA is implemented by a new FAR 3.104The
new FAR 3.104 was published in the Federal Register on 2 Jan 97 & was effective
on 1 Jan 97s

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are Not in the New PIA

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PIA -- Ban on#Obtaining Procurement Informationo

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÷mb& s#ÿÿ###ÿÿ###ÿ #ÿd#####Z#####New PIA provides that a person
may not knowingly obtain [source selection information] or [contractor bid or
proposal information] before contract award, other than as provided by lawBan
applies to everyone, including Federal employees & contractor employees

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on#Disclosing Procurement Information

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#f#ÿÿ###ÿÿ###ÿ #ÿd#####Z#####<##New PIA prohibits, before contract award, the disclosure of:Source selection information, &Contractor bid or proposal informationThe ban applies to:Current and former Federal employees, & Anyone who is advising or has advised the U.S. Govt. regarding the procurement (i.e. contractor employees & consultants)

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#####Z#####0###Definition of#Source Selection Information (SSI)

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#####1##Definition of#Source Selection Information (SSI)s

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nition of#Source Selection Information (SSI)a

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SSI are SSI whether or not they are marked as SSI, they should nevertheless be
marked with Source Selection Information--See FAR 3.104
Multi-page documents.
If document contains SSI, then cover page & each page that contains SSI must be
marked with Source Selection Information--See FAR 3.104
Info. that has been
disclosed publicly or made available to public is not considered as SSI

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Proposal Information (CBPI)

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(CBPI)

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#####Z#####<##Definition of Contractor#Bid or Proposal Information
(CBPI)

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s#ÿý###ÿý###ÿýd#####Z#####2##j#Contesting the contractor's
markings. If the contracting officer (C.O.) believes that:-- Information
marked as proprietary is not;-- Information marked as CBPI is not, OR--
Information marked IAW FAR 52.215-12 should not be so marked, C.O. may ask
contractor to justify marking, & then determine if marking is appropriate #

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###Disclosing or Obtaining SSI or CBPI - -#Penalty for Individuals#

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#e###If an individual improperly discloses or obtains SSI or CBPI --In exchange
for anything of value, orIn order to obtain for himself, or give to anyone else,
a competitive advantage in the award of a Federal contract, the maximum
penalty is:Five years in prison,Civil penalty of \$50,000 for each violation &
Adverse personnel action (i.e. termination)#

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#####Z#####A###Disclosing or Obtaining SSI or CBPI -- Penalty for
Individuals a

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#####Z#####A###Disclosing or Obtaining SSI or CBPI --#Penalty for
Organizations#

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CBPI --# Penalty for Organizations

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knowingly discloses or obtains SSI or CBPI in violation of Procurement Integrity
Act (but not in exchange for anything of value, or to give anyone a competitive
advantage), maximum penalty is:Civil penalty of \$500,000 for each violation,
Contractual remedies (such as recapture of profits), if contract has been
awarded,Disqualification of offeror or cancellation of procurement, if contract
not yet awarded, &Suspension & debarment proceedings

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Contact Reporting Rule

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or civilian) is --Participating personally & substantially in a procurement, and
Contacts, or is contacted by, a bidder or offeror regarding possible employment,
then the employee must --Give written report to supervisor & JA, and Either (1)
reject the possibility of employ-ment, or (2) be disqualified from working on
procurement until job discussions end & there is no arrangement for employment

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Employment#1-Year Compensation Ban#

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Z#####8##Post-Employment# Positions Resulting in 1-Year Comp. Ban

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Z#####7###Post-Employment#Decisions Resulting in 1-Year Comp. Bann

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over \$10 millionDecision to award a subcontract over \$10 millionDecision to
award a modification that is over \$10 million of a contract or subcontract
Decision to award a task order or delivery order over \$10 million

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or other rates applicable to a contract or contracts valued over \$10 million
Decision to approve issuance of a contract payment or payments over \$10 million
Decision to pay or settle claim over \$10 million

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C# y ### y ### y # y d#####Z##### #For PCOs, SSAOs, SSEB
members, & evaluation team chiefs, ban starts on date of contract award
Exception: If an individual was serving in the position on the date of
contractor selection, but not on the date of contract award, the ban begins to
run on date of contractor selectionFor PMs, DPMs & ACOs, ban starts to run on
last day of service in the positionFor decisionmakers, ban starts on date of
decision 

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ùÛ#Àûÿÿ###ÿÿ#####Û#ÿÿd#####Z#####4##Post-Employment#Other Provisions
of 1-Year Comp. Ban


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Z#####5###Post-Employment#Legal Opinions under 1-Year Comp. Baný

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on whether 1-year ban applies to themThe legal opinion ( 30-day letter )
must be issued within 30 days after receipt of written request (or as soon
thereafter as practicable)JA has handout for clients with instructions on how to
prepare a request for 30-day letter F

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ùÆ#Âûÿÿ###ÿÿ####ÿ□#ÿÿd####Z####5##1-Year Compensation Ban
--#Penalty for Organizationsh

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Ù#Âûÿÿ####ÿÿ#####ÿÙ#ÿÿd#####Z#####+##2-Year Post-Employment Ban#of the
Prior PIA#

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PIA --#Bid Protest Provision

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,###New PIA says a company may not file a bid protest based on a PIA violation
unless the company--Reports the information about the violation to the Federal
agency responsible for the procurement, andThe report is made no later than 14
days after the company first discovered the possible violation

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